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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/092,489 06/05/98 LEIFER

A 0079/55346-A

EXAMINER

QM12/1219

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HARRISON, J

ART UNIT

PAPER NUMBER

3713

DATE MAILED:

12/19/00

18

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/092,489

Applicant(s)

Leifer et al.

Examiner

J. Harrison

Group Art Unit

3713



☒ Responsive to communication(s) filed on Nov 6, 2000

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-4, 6-9, 11, 13-18, 20-24, 26-33, and 55-67 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-4, 6-9, 11, 13-18, 20-24, 26-33, and 55-67 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____.

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☐ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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DETAILED ACTION

Continued Prosecution Application

The request filed on November 6, 2000 for a Continued Prosecution Application (CPA) under 37 CFR 1.53(d) based on parent Application No. 09/092489 is acceptable and a CPA has been established. An action on the CPA follows.

Priority

This application is a continuation-in-part of application Serial No. 09/023813, filed February 13, 1998.

Claims 1-4, 6-9, 11, 13-18, 20 - 24, 26 - 33 and 55-67 are pending. Claims 5, 10, 12, 19, 25 and 35-54 have been canceled.

It is also noted that the amendment of July 14, 2000 failed to include a claim numbered 57. Accordingly, misnumbered claims 58 - 68 were renumbered 57 - 67. The amendments submitted November 6, 2000 to claims 61 and 68 were entered into claims 60 and 67. Applicant should make note of the claim renumbering.

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Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 4, 11, 20, 27, 55, 60 and 67 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bodenmann et al. (Bod) in view of Green et al. (4,531,740; of record).

Bod discloses a method and apparatus for establishing a standardized communications protocol for wireless communications between a host and one or more peripheral devices. The host may be a game console, and the peripheral devices may be game pads, as in the claimed invention.

Each peripheral device includes a switch and a transmitter operating at a predefined frequency.

The system includes a receiver unit(25), connected to the host(20), for receiving the data, decoding, and processing as necessary. The peripheral device may also include a receiver along

with the receiver unit including a transmitter, such that bi-directional communications are possible. Inherently, if the host device is a video game console, there is a video output(ting)

device. The Bod patent also discusses the well known "autofire" feature present in

game controllers, and provides a particular implementation for such in his wireless system. Note 9:35 -42, and particularly "To minimize power consumption, the autofire function or other similar continuous-on functions are preferably maintained by the host receiver, since this minimizes

power consumption at the remote device". Clearly the Bod patent includes autofire features and

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they are maintained in the receiver. Further, such would be used in playing game software that supported autofire features, such as one where the game object was a weapon which required repeated fast activation. While it appears clear that the wireless receiver of Bod is connected to the host device 20, the details of such connection are not discussed in detail specifically for a game device. In sum, Bod fails to clearly show “and being adapted to operate with wired game controllers connected to the game controller ports into a system operable with wireless controllers” as amended, or the newly claimed “console interface releasably connected to at least one of the game controller ports”.

The patent to Green et al is cited for illustrating how wireless controllers and corresponding receiver unit are physically connected to a game machine. Note Green includes wireless unit 26 which communicates with receiver unit 46. The receiver unit utilizes wired connections to the game console controller input ports 76 and 84. Accordingly, the game console of Green may operate with wired controllers, or adapted to operate with wireless controllers through the use of the receiver unit which is connected to the existing input ports. It would have been obvious to one of ordinary skill in the art at the time of the invention to connect Bod's receiver unit 25 to the game machine host 20 by providing connections to the controller input ports, in order to provide wireless game control without having to modify the host device. Such would provide game players with a choice of controllers, both wired and wireless, to provide variety in the game experience. Applicant is requested to also note the Leung patent, of record, particularly col 7 and Figure 7, for a similar teaching of connecting the wireless receiver unit

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directly to the game console controller ports. Leung provides an identical teaching to Green, and could have been used interchangeably with Green for the teaching to the art.

Claims 2, 6, 8, 9, 13, 15, 17-18, 21-24, 28-32, 56-59 and 61-66 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bodenmann et al. (Bod) in view of Green et al, as discussed above, and further in view of Takeda (Tak).

Bod in view of Green has been discussed above. The difference between the instant claims and the teachings of Bod in view of Green lie in the particular housing claimed, the provision of a peripheral device in the controller, as well as a memory cartridge for storing game related information in the receiver unit, and the provision of a plurality of such controllers and receiver units for multi player action.

Tak discloses a conventional controller for the NES system having the exact housing structure claimed, and including peripheral units such as a memory unit attached to the back of the housing. This memory unit, or expansion cartridge, is for storing game related data - see 11:20-55. Official notice is taken that in addition to memory units, vibrating units such as the NES Rumble Pak were well know at the time of the invention. These units, with or without memory, insert into the same expansion slot and provide vibration to the user's hands in response to game action. Further, noting Tak at col 11:60 - 12:12, Tak teaches the advantages of providing the memory unit on the controller over providing the slots on the game machine unit.

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Wireless game controllers are known in the art, as admitted by applicant and discussed in Bod and Green. In looking to provide a wireless controller for a NES system, one of ordinary skill in the art would consider Tak, and modify the game pads of Bod in view of Green to have the housing of Tak. Further, in providing such a wireless controller, one of ordinary skill in the art would consider the power requirements of the wireless controller, as such must be powered by batteries. Provision of the memory cartridge in the controller housing would consume power - leading one to look for a different arrangement. Given that Bod suggests provision of the autofire feature in the receiver unit to reduce power consumption at the controller, and Tak teaches away from providing the memory unit at the game console, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide the memory unit of Tak in the receiver units of Bod in view of Green, in order to provide the desirable features known to a NES controller in a wireless format while maintaining reasonable power consumption in the wireless units. Doing such would leave the expansion slot available on the controller unit for other peripherals such as a vibration pack. Further, it would have been obvious to provide multiple receiver units as necessary, in order to provide for multi player action and each player having a memory unit available to him.

Claims 3, 7, 14, 16, 26, and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bodenmann et al (Bod) in view of Green and Takeda et al (Tak) respectively, as applied to claims listed above, and further in view of Khoury.

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The difference between these claims and the above taught combination lie in the provision of a "sleep" feature to the controller system. While Figure 2 of Bod does have a block labeled Sleep, Bod appears silent with respect to this element/feature.

As admitted by applicant, the provision of a sleep feature in game controllers both wired and wireless is known. Khoury has been cited in support of this position - for his discussion in the background as well as for his general teaching of conserving power in a controller by the addition of a sleep or power down feature in a game controller. Accordingly, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the wireless controller of Bod (as modified above) to further incorporate a sleep feature in order to conserve power upon switch inactivity.


Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to J. Harrison whose telephone number is (703) 308-2217.

JJH

December 15, 2000


JESSICA J. HARRISON
PRIMARY EXAMINER